



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Board of Registration in Dentistry
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GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

CHERYL BARTLETT, RN
COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
September 18, 2013
AGENDA

- 8:30 a.m. Call to Order and Introduction of New Members
- A. Nomination and Election of Officers
- 8:45 a.m. B. M.G.L. c. 112, §65C Session (closed to the public)
- C. Adjudicatory Session (closed to the public)
- 9:30 a.m. D. Review of General Session Minutes—Meeting of July 17, 2013
- E. Administrative Matters
--AADB Upcoming Meeting and Appointment of Liaison
--Signatories for Consent Agreements
--Presentation of Citation to Dr. Mina Paul, Immediate Past Chair
- F. Requests for Reconsideration of Prior Board Actions—Executive Director Barbara Young
--In the Matter of DEN-2012-0138: Dr. Lawrence Miller
--In the Matter of DEN-2012-0113: Dr. John Meola
--In the Matter of DEN-2012-0087: Dr. Jonathan Wood
- G. Reciprocal Discipline—Assistant Executive Director Jeffrey Mills

--In the Matter of DEN-2013-0141: Dr. Kenneth Minasian

H. Complaint Resolution—Pending Board Cases—Barbara Yates

--In the Matter of SA-INV-2961: Dr. Isabelle Jaillet
--In the Matter of DEN-2012-0182: Dr. James Ferris
--In the Matter of DEN-2013-0076: Dr. James Ferris
--In the Matter of DEN-2013-0005: Dr. Maurice Lussier
--In the Matter of DEN-2013-0003: Dr. Sabah Mahadi
--In the Matter of DEN-2013-0004: Dr. Elmehdi Boujida
--In the Matter of SA-INV-3073: Dr. Sandra Ameri

I. Complaint Resolution—Pending Board Cases—Lisa Seeley-Murphy

--In the Matter of DEN-2013-0001: Linda Carmo, RDH
--In the Matter of DEN-2012-0157: Dr. Louis Jeffrey Lowenstein
--In the Matter of DEN-2012-0156: Susan Frances Ecker, RDH

J. Complaint Resolution—Pending Board Cases—Eileen Mulligan

--In the Matter of DEN-2012-0110: Dr. Alex Bejian
--In the Matter of SA-INV-2828: Dr. Lisa Emirzian
--In the Matter of SA-INV-2999: Dr. Mandana Mir Esmaili
--In the Matter of SA-INV-3001: Dr. Ju-Yong Chung
--In the Matter of SA-INV-3036: Dr. Amr Fawzy-Abdelrazek
--In the Matter of SA-INV-3068: Dr. Robert Baskies
--In the Matter of SA-INV-3072: Dr. Domenic Albanese

K. Complaint Resolution—Pending Board Cases—Kathleen Perault

--In the Matter of DEN-2013-0029: Dr. Jeffrey Dornbush
--In the Matter of DEN-2013-0030: Irina Matusevich, RDH
--In the Matter of DEN-2013-0058: Dr. David Fish
--In the Matter of DEN-2013-0059: Dr. Aristides Exarchos
--In the Matter of DEN-2013-0060: Dr. Alan Sulikowski
--In the Matter of DEN-2013-0099: Dr. Mouhab Rizkallah
--In the Matter of DEN-2013-0116: Dr. Mouhab Rizkallah
--In the Matter of DEN-2013-0105: Dr. Mouhab Rizkallah
--In the Matter of DEN-2013-0106: Dr. Carol Yun

L. Probation Matter—Karen Fishman, Probation Monitor

--In the Matter of DEN-2010-0006: John Marengo, RDH

Adjournment

NEXT MEETING: October 2, 2013

Board of Registration in Dentistry
General Session Minutes
September 18, 2013
Adopted by Board October 2, 2013

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
September 18, 2013
GENERAL SESSION MINUTES

Board Members Present: Dr. Milton Glicksman, Secretary; Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens, Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.; Ms. Diane Grondin, CDA Advisor.

Staff Members Present: Barbara Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Steve Chilian, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Kathy Perault, Lisa Seeley-Murphy, and Barbara Yates; Eugene Langner, Prosecuting Counsel; Anne McLaughlin, Prosecuting Counsel; Paul Moore, Prosecuting Counsel, Curtis Jackson, MPRS Coordinator; Karen Fishman, Probation Monitor; Rosie Rogers, Administrative Assistant.

Dr. Milton Glicksman, Secretary chaired the meeting.

Motion: To commence the meeting at 8:30 a.m.
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Roderick Lewin
Vote: Unanimous

Executive Director Barbara Young introduced new Board Members Dr. David Samuels and Ms. Jacyn Stultz, as well as Steve Chilian, Board Counsel *pro tempore*.

Nomination and Election of Officers

Discussion: Board members considered two options: (1) To elect officers for a term through December 2013, or (2) To elect officers for a one-year term to begin at this meeting.
Motion: To approve election of officers for a one-year term commencing September 2013.
Motion Made By: Ms. Lois Sobel
Second: Dr. Cynthia Stevens

Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Nay: Dr. John Hsu
Abstain: Dr. Milton Glicksman, Secretary
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Nominations for Chair: **Dr. Cynthia Stevens, nominated by Ms. Lois Sobel, RDH, seconded by Ms. Jacyn Stultz, RDH**

Dr. Milton Glicksman, nominate by Ward Cromer, Ph.D., seconded by Dr. Roderick Lewin

Vote Tally for Chair:	Dr. Stevens	6	Elected
	Dr. Glicksman	4	
	Dr. John Hsu	1	

Nominations for Secretary: **Ms. Lois Sobel, RDH, nominated by Dr. Cynthia Stevens, seconded by Ms. Ailish Wilkie, CPHQ**

Dr. Stephen DuLong, nominated by Dr. Roderick Lewin, seconded by Ms. Ailish Wilkie, CPHQ

Vote Tally for Secretary:	Dr. DuLong	6	Elected
	Ms. Sobel	5	

Dr. Stevens requested that Dr. Glicksman continue to chair the meeting.

Motion: **To enter M.G.L. c. 112, §65C Session at 8: 53 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.

Abstain: Dr. Milton Glicksman, Chair *pro tem*

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Leave M.G.L. c.112, §65C Session at 9:57 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Dr. David Samuels

Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer,
Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Enter Adjudicatory Session at 9:57 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer,
Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Leave Adjudicatory Session at 9:58 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer,
Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Enter Executive Session at 9:58 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer,
Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To Leave Executive Session at 10:23 a.m.

Motion Made By: Dr. Stephen DuLong

Second: Dr. John Hsu

Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer,
Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To Enter General Session at 10:23 a.m.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

Review of General Session Minutes—Meeting of July 17, 2013

Motion: To Approve General Session Minutes of July 17, 2013

Motion Made By: Dr. Stephen DuLong

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie,
CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Dr. David
Samuels; Ms. Jacyn Stultz, RDH.
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Administrative Matters

--AADB Upcoming Meeting and Appointment of Liaison

Executive Director Young reminded members of the Annual Session on October 30-31. She is planning to attend, as are Drs. Glicksman and Stevens. Dr. Glicksman serves in the House of Representatives for Massachusetts. Ms. Wilkie advised the Board that she is unable to attend, and so cannot accept the invitation to serve as a Public Member

representative this year. Ms. Young asked the Board to select a Liaison for the Annual Session.

Motion: To appoint Dr. Cynthia Stevens as Board Liaison for the Annual Session of AADB.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. John Hsu

Vote: Unanimous, with Dr. Stevens abstaining

--Signatories for Consent Agreements

Motion: To adopt the proposed Delegation of Signature Authority policy.

Motion Made By: Dr. Stephen DuLong

Second: Dr. David Samuels

Vote: Unanimous

--Presentation of Citation to Dr. Mina Paul, Immediate Past Chair

Executive Director Young presented a citation from Governor Patrick thanking Dr. Paul for her many years of service as Board Member and Chair. Dr. Paul thanked the Board for its work and encouraged them to continue to serve the public.

Requests for Reconsideration of Prior Board Actions—Executive Director Barbara Young

--In the Matter of DEN-2012-0138: Dr. Lawrence Miller

Discussion: Members discussed the standard of care for extractions and exposing radiographs in such cases. Also mentioned was lack of periodontal charting in this case.

Motion: To deny reconsideration.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie,
CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Dr. David
Samuels; Ms. Jacyn Stultz, RDH.
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of DEN-2012-0113: Dr. John Meola

Discussion: The Board considered both the unique personal circumstances of
the Licensee and previous cases in which required continuing
education courses were not completed.

Motion: **To deny reconsideration.**

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: **Yea:** Dr. John Hsu; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH
Nay: Dr. Stephen DuLong; Dr. Roderick Lewin; Ailish Wilkie,
CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Dr. David
Samuels; Ms. Jacyn Stultz, RDH.
Non-Voting Member: Ms. Diane Grondin, CDA Advisor
Motion FAILED.

Motion: **To grant reconsideration and offer Stayed Probation for 6
months, to include continuing education courses in Infection
Control and Safe and Effective Prescribing for Pain
Management**

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr.
Cynthia Stevens; Ms. Lois Sobel, RDH; Ailish Wilkie, CPHQ;
Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Dr. David
Samuels; Ms. Jacyn Stultz, RDH.
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of DEN-2012-0087: Dr. Jonathan Wood

Discussion: Members discussed the infection control violations and prior
similar decisions.

Motion: **To deny reconsideration.**

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Dr. Roderick Lewin; Dr. David Samuels; Ms. Jacyn Stultz, RDH.
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Reciprocal Discipline—Assistant Executive Director Jeffrey Mills

--In the Matter of DEN-2013-0141: Dr. Kenneth Minasian

Discussion: License is expired. The New Hampshire Settlement Agreement was reviewed.

Motion: **To place Hold on the expired license. If Licensee petitions for reactivation, the Board will re-open this matter.**

Motion Made By: Dr. Roderick Lewin

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Complaint Resolution—Pending Board Cases—Barbara Yates

--In the Matter of SA-INV-2961: Dr. Isabelle Jaillet

Allegation: Inferior treatment; traumatic injury during treatment

Discussion: Review of photograph and patient record.

Motion: **To not open as a complaint and send an advisory letter regarding compliance with the regulation at 234 CMR 5.12, Content of Patient Records.**

Motion Made By: Dr. Roderick Lewin

Second: Dr. Stephen DuLong

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matters of DEN-2012-0182 & DEN-2013-0076: Dr. James Ferris

Discussion: After discussion of both matters, the Board agreed to the following motion.

Motion: **To join DEN-2012-0182 and DEN-2013-0076**

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matters of DEN-2012-0182 & DEN-2013-0076 : Dr. James Ferris

Allegations: Regulatory code violations

Discussion: Multiple infection control violations were noted. Photographs taken during the inspection were reviewed, as were the Prescription Monitoring Profile and patient records. The Investigation Report was discussed.

Motion: **To offer a Voluntary Surrender of the license for 3 months, followed by 3 years Probation, to include the following continuing education to be completed within one year of the commencement of the Agreement:**
Full Day: Risk Management
Full Day: Record Keeping
One Week: Infection Control
One Week: Ethics (not on-line)
Additionally, Licensee's practice will be monitored by an agent approved by the Board; quarterly monitoring reports will be submitted to the Probation Monitor for review.

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Justification: **DEN-2012-0182:**
• Licensee violated 234 CMR 5.05 (1) and 9.05 (3) by failing to comply with *CDC Recommended Infection Control in Dental Health-Care Settings—2003*, including, but not limited to intermittent spore testing, failure to maintain sterilization monitoring records and an infection control protocol for the office;
• Licensee violated 234 CMR 5.16 by failing to have a written protocol for managing medical or dental emergencies, maintain an emergency drug kit, and ensure that all staff have annual training to implement emergency protocol;
• Licensee violated 234 CMR 6.15 by failing to have adult and child AED pads; and
• Licensee violated 234 CMR 5.14 (4) by failing to be able to provide the Board duplicate radiographs.
DEN-2013-0076:
• Licensee violated 234 CMR 5.15 by:
 (1) maintaining an incomplete record of all patient contact, illegible entries in a patient record, and lack of clear meaning to a subsequent examining or treating dentist;
 (2) maintaining incomplete medical and dental history forms;
 (3) failing to document a dental examination;
 (4) failing to include a written diagnosis of patient's current dental status;
 (5) failing to record a written treatment plan describing proposed treatment;
 (6) failing to obtain general and/or specific informed consent prior to treatment; and
 (7) failing to provide written documentation of treatment.
• Licensee violated 234 CMR 5.06 (1) by failing to dispense, administer and prescribe controlled substances in accordance with M.G.L.c.94C and 105 CMR 700.00.

Dr. Ward Cromer left the meeting at 12:00 noon, as the following matter was presented.

--In the Matter of DEN-2013-0005: Dr. Maurice Lussier

- Allegation:** Infection control violations; operation of a dental office not wholly owned by a licensed dentist without first obtaining a clinic license
- Discussion:** The Investigation Report, including spore test results, was reviewed, as was a timeline of various incidents at the practice location. The license has been voluntarily surrendered, yet Licensee has applied for a Certificate by Regulatory Board using his name as the practice owner, and another such Certificate bearing the name of another licensee was sent to the Board for approval; that Licensee was unaware of the submission of the Certificate bearing her name as the owner of the practice.
- Motion:** **To Revoke the License and refer the matter to the Office of the Attorney General.**
- Motion Made By:** Dr. David Samuels
- Second:** Dr. Stephen DuLong
- Vote:**
Yea: Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor
- Justification:**
- Licensee violated 234 CMR 5.02 (2) by failing to obtain a clinic license for a practice not wholly owned by licensed dentist(s);
 - Licensee violated 234 CMR 5.05 (1) by non-compliance with *CDC Recommended Infection Control in Dental Health-Care Settings—2003*, including, but not limited to, intermediate spore testing, failure to have an Infection Control protocol and failure to provide protective patient eyewear;
 - Licensee violated 234 CMR 5.16 (1) by failing to ensure all staff are trained to implement emergency protocols;
 - Licensee violated 234 CMR 5.16 (2) by failing to have in the office an emergency drug kit containing adult or pediatric preloaded Epinephrine, pediatric CPR masks, a bronchodilator, ammonia inhalants, or an AED with adult and child pads; and
 - Licensee violated M.G.L.c.112, §44 and 234 CMR 5.02 (3)(a) by failing to place a licensed dentist's name in office signage.

--In the Matter of DEN-2013-0003: Dr. Sabah Mahadi

- Allegation:** Infection control violations

Discussion: Members reviewed the Investigation Report and the chronology of events within this practice. Licensee was part-time and worked for less than two months. Licensee was unaware that the practice owner had used her name on paperwork, submitted to the Board (Certificate by Regulatory Board), indicating she was the owner of the practice.

Motion: To dismiss with an advisory regarding compliance with 234 CMR 5.05 (1), Infection Control Practices, in any practice in which a licensee is employed.

Motion Made By: Dr. David Samuels

Second: Dr. Roderick Lewin

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of DEN-2013-0004: Dr. Elmehdi Boujida

Allegation: Infection control violations

Discussion: Members reviewed the Investigation Report and chronology of events within this practice. License was part-time and worked for less than one month.

Motion: To dismiss with an advisory regarding compliance with 234 CMR 5.05 (1), Infection Control Practices, in any practice in which a licensee is employed.

Motion Made By: Dr. Stephen DuLong

Second: Dr. David Samuels

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Dr. Cromer returned to the meeting at 12:25 p.m., as the following matter was being presented.

--In the Matter of SA-INV-3073: Dr. Sandra Ameri

Allegations: Abandonment; inferior treatment; fraud; billing practice issues; unlicensed practice

Discussion: Members reviewed this Licensee's involvement in the practice and with the complainant, as well as documents provided by the Licensee. No evidence was found to support the allegations of abandonment, inferior treatment, fraud, or billing practice issues. There is evidence to support the allegation of unlicensed practice, but discipline was assigned to another licensee at the May, 2011 meeting of the Board.

Motion: **To not open as a complaint.**

Motion Made By: Dr. David Samuels

Second: Dr. John Hsu

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Complaint Resolution—Pending Board Cases—Lisa Seeley-Murphy

--In the Matter of DEN-2013-0001: Linda Carmo, RDH

Allegation: Infection control violations

Discussion: Licensee was employed in the practice less than a week. She left the building while inspectors were conducting an unannounced inspection and did not return. Licensee's compliance with continuing education requirements was reviewed. Personal circumstances were noted in the Licensee's statement and considered by the Board.

Motion: **To dismiss the matter and to send an Advisory regarding compliance with 234 CMR 8.02 (3), Required Biennial Continuing Education.**

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

The Board recessed for lunch at 12:30 and resumed at 1:07 p.m. with all members being present.

Dr. Milton Glicksman recused for the next matter, leaving the meeting at 1:08 p.m. Dr. Stevens chaired for the following discussion and vote.

--In the Matter of DEN-2012-0157: Dr. Louis Jeffrey Lowenstein

Allegation: Infection control violations

Discussion: Investigation Report was reviewed, including spore test results and Licensee's continuing education for the past renewal cycle. Licensee is a co-owner of the practice.

Motion: **To offer Suspension for 6 months, to be followed by a period of Probation to be determined by the Board, and to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control
Full Day: OSHA
Full Day: Medical Emergencies in the Dental Office

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Cynthia Stevens, Chair
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Recuse: Dr. Milton Glicksman

Justification:

- Licensee violated 234 CMR 5.05 (1) by failing to comply with *CDC Recommended Infection Control in Dental Health-Care Settings—2003*, including failure to perform weekly spore testing, to maintain sterilization monitoring records, and to have in place an Infection Control Protocol for the office;
- Licensee violated 234 CMR 5.04 by failing to post licenses and permits and to have staff display nametags;
- Licensee violated 234 CMR 5.05(3) by failing to provide and/or post the Radiation Control Program Certificate;
- Licensee violated 234 CMR 5.10 (2) by failing to have a record of radiology certification for On-the-Job Trained Dental Assistant;
- Licensee violated 234 CMR 5.16 by failing to have written emergency protocol, current emergency drug kit, and annual office training in emergencies for staff; and
- Licensee violated 234 CMR 8.03 (b) by failing to attend required CPR/AED or BLS certification course within the renewal cycle.

Dr. Glicksman returned to the meeting at 1:20 pm and again chaired the meeting.

--In the Matter of DEN-2012-0156: Susan Frances Ecker, RDH

- Allegation:** Infection control violations
- Discussion:** Licensee was employed part-time and had only worked nine days at the practice at the time of the unannounced inspection.
- Motion:** **To dismiss with an advisory regarding compliance with 234 CMR 5.05 (1), Infection Control Practices, in any practice in which a licensee is employed.**
- Motion Made By:** Dr. John Hsu
- Second:** Dr. Roderick Lewin
- Vote:** **Yea:** Dr. Steven DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Jacyn Stultz, RDH; Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Ms. Lois Sobel, RDH
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Complaint Resolution—Pending Board Cases—Eileen Mulligan

During discussion and vote on the following matter, Attorney Vita Berg served as Board Counsel. Attorney Steve Chilian, Dr. Glicksman and Dr. Hsu left the meeting at 1:27 p.m. to recuse from the following matter. Dr. Stevens chaired the meeting during the discussion of the following matter.

--In the Matter of DEN-2012-0110: Dr. Alex Bejian

Allegation: Infection control violations

Discussion: Board members reviewed the Investigation Report, which included results of an unannounced inspection and statements from the Licensee and staff members in the practice.

Motion: To offer Stayed Probation for 6 months, to include the following continuing education:
Full Day: Risk Management
Full Day: Infection Control
Full Day: Ethics (on-line is acceptable)
Full Day: Medical Emergencies in the Dental Office

Motion Made By: Dr. David Samuels

Second: Dr. Roderick Lewin

Vote:

Recuse: Dr. Milton Glicksman, Dr. John Hsu, Attorney Steve Chilian

Amendment to Motion: To offer Probation for 6 months, to include the following continuing education:
Full Day: Risk Management
Full Day: Infection Control
Full Day: Ethics (on-line is acceptable)
Full Day: Medical Emergencies in the Dental Office

Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote:
Yea: Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Nay: Dr. David Samuels
Abstain: Dr. Cynthia Stevens, Chair
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Recuse: Dr. Milton Glicksman, Dr. John Hsu, Attorney Steve Chilian

Justification:

- Licensee violated 234 CMR 5.05 (1) by failing to comply with *CDC Recommended Infection Control in Dental Health-Care Settings—2003*, including failure to perform weekly spore testing, and to have in place an Infection Control Protocol for the office;
- Licensee violated 234 CMR 6.16 by failing to have current required emergency drugs and equipment;
- Licensee violated 105 CMR 120.027 (c) and 234 CMR 5.05 (3) by failing to renew the Massachusetts Radiation Control Program Certificate for over five years; and
- Licensee violated 234 CMR 5.16 (1) by failing to have a written protocol for the management of medical and/or dental emergencies.

Attorney Chilian, Dr. Glicksman, and Dr. Hsu returned to the meeting at 1:51 p.m. Dr. Glicksman resumed as Chair pro tem.

Complaint Resolution—Pending Board Cases—Kathleen Perault

--In the Matter of DEN-2013-0029: Dr. Jeffrey Dornbush

- Allegation:** Licensee employed a dental hygienist without a current license from March 31, 2011 through February 12, 2013.
- Discussion:** The Investigation Report was reviewed.
- Motion:** **To dismiss the matter and send an Advisory regarding the dental practice licensee-owner's responsibility to ensure that dental auxiliaries comply with licensure regulations.**
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Dr. Stephen DuLong
- Vote:** **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of DEN-2013-0030: Irina Matusevich, RDH

- Allegation:** Licensee practiced dental hygiene without a current license from March 31, 2011 through February 12, 2013.
- Discussion:** The Investigation Report was reviewed.

Motion: To offer a consent agreement for Reprimand.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Justification:

- Licensee violated M.G.L.c.112, §51 and 234 CMR 4.10 (2) when she failed to renew her license to practice dental hygiene in a timely fashion;
- Licensee violated M.G.L.c.112, §52 and 234 CMR 9.05 (6) when she practiced with an expired dental hygiene license.

Dr. Stephen DuLong and Ms. Jacyn Stultz left the meeting at 1:54 pm to recuse for the following matters.

--In the Matter of DEN-2013-0058: Dr. David Fish

Allegation: Licensee employed a dental hygienist without a current license from March 31, 2011 through October 1, 2012.

Discussion: The Investigation Report was reviewed.

Motion: To dismiss the matter and send an Advisory regarding the licensee-employer's responsibility to ensure that dental auxiliaries comply with licensure regulations.

Motion Made By: Dr. David Samuels

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Recuse: Dr. Stephen DuLong; Ms. Jacyn Stultz, RDH

--In the Matter of DEN-2013-0059: Dr. Aristides Exarchos

Allegation: Licensee employed a dental hygienist without a current license from March 31, 2011 through October 1, 2012.

Discussion: The Investigation Report was reviewed.

Motion: **To dismiss the matter and send an Advisory regarding the licensee-employer's responsibility to ensure that dental auxiliaries comply with licensure regulations.**

Motion Made By: Dr. David Samuels

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Recuse: Dr. Stephen DuLong; Ms. Jacyn Stultz, RDH

--In the Matter of DEN-2013-0060: Dr. Alan Sulikowski

Allegation: Licensee employed a dental hygienist without a current license from March 31, 2011 through October 1, 2012.

Discussion: The Investigation Report was reviewed.

Motion: **To dismiss the matter and send an Advisory regarding the licensee-employer's responsibility to ensure that dental auxiliaries comply with licensure regulations.**

Motion Made By: Dr. David Samuels

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Recuse: Dr. Stephen DuLong; Ms. Jacyn Stultz, RDH

Dr. DuLong and Ms. Stultz returned to the meeting at 1:56 p.m.

--In the Matters of DEN-2013-0099 & DEN-2013-0116: Dr. Mouhab Rizkallah

Discussion: After reviewing these two matters, the following motion was made.

Motion: To join DEN-2013-0099 and DEN-2013-0116

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matters of DEN-2013-0099 & DEN-2013-0116: Dr. Mouhab Rizkallah

Allegations: Advertising violation; breach of contract

Discussion: Investigation reports were reviewed. Included in the report on DEN-2013-0116 was the evidence of violation of the terms of a consent agreement for Reprimand.

Motion: To offer a consent agreement for Probation for 1 year, to include the following continuing education:
Full Day: Risk Management
14 Hours: Ethics (online not acceptable)
Licensee will submit a copy of the final paper from the Ethics course to the Board. Failure to comply in a timely fashion with all terms of this consent agreement will result in Suspension.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Justification:

DEN-2013-0099:

- Licensee violated 234 CMR 5.19 by not including the name of a licensed dentist in the advertisement and not including comparative monetary value for the free dental service indicated in the advertisement.

DEN-2013-0116:

- Licensee violated 234 CMR 9.05 (7) by failing to complete the required continuing education within one year of the effective date of a consent agreement for Reprimand.

--In the Matter of DEN-2013-0105: Dr. Mouhab Rizkallah

Allegations: Inferior work; business practice issues; unprofessional conduct

Discussion: The Investigation Report was reviewed.

Motion: **To dismiss without prejudice.**

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.

Abstain: Dr. Milton Glicksman, Chair *pro tem*

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of DEN-2013-0106: Dr. Carol Yun

Allegations: Inferior work; business practice issues; unprofessional conduct

Discussion: The Investigation Report was reviewed.

Motion: **To dismiss without prejudice.**

Motion Made By: Ms. Lois Sobel

Second: Dr. David Samuels

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.

Abstain: Dr. Milton Glicksman, Chair *pro tem*

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Complaint Resolution—Pending Board Cases—Eileen Mulligan

Dr. John Hsu left the meeting at 2:22 p.m.

--In the Matter of SA-INV-2828: Dr. Lisa Emirzian

Allegation: Inferior treatment

Discussion: Photographs, radiographs, and models were reviewed, as was the Investigation Report.

Motion: **To not open as a complaint.**

Motion Made By: Dr. David Samuels

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of SA-INV-2999: Dr. Mandana Mir Esmaili

Allegations: Abandonment; inferior treatment

Discussion: The Investigation Report was reviewed.

Motion: **To not open as a complaint and to send an Advisory regarding compliance with 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Dr. David Samuels

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of SA-INV-3001: Dr. Ju-Yong Chung

Allegation: Business practice issues

Discussion: Radiographs of non-diagnostic quality were presented to the Board. The Investigation Report was reviewed

Motion: To not open as a complaint and to send an Advisory noting that radiographs in the patient record are to be of diagnostic quality.

Motion Made By: Dr. Roderick Lewin

Second: Ms. Lois Sobel

Vote: **Yea:** Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Dr. Stephen DuLong
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of SA-INV-3036: Dr. Amr Fawzy-Abdelrazek

Allegations: Abandonment; inferior treatment; failure to release patient records

Discussion: Original radiographs submitted to the Board were reviewed, as was the Investigation Report.

Motion: To not open as a complaint and to send an Advisory regarding compliance with 234 CMR 5.15, Content of Patient Records and 234 CMR 5.14 (4) (a), Request for Copy of Dental Record.

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Dr. David Samuels left the meeting at 2:49 p.m., as he recused from the following matter.

--In the Matter of SA-INV-3068: Dr. Robert Baskies

Allegations: Abandonment; misdiagnosis; malpractice for treating for a dry socket instead of for a deep bone infection.

Discussion: Radiographs and the Investigation Report were reviewed.

Motion: To not open as a complaint and to send an Advisory regarding compliance with 234 CMR 5.15, Content of Patient Records.

Motion Made By: Ms. Lois Sobel

Second: Dr. Roderick Lewin

Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Recuse: Dr. David Samuels

Dr. Samuels returned to the meeting at 2:56 p.m.

--In the Matter of SA-INV-3072: Dr. Domenic Albanese

Allegation: Misdiagnosis of condition

Discussion: The Investigation Report and radiographs were reviewed.

Motion: To open as a complaint.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Probation Matter—Karen Fishman, Probation Monitor

--In the Matter of DEN-2010-0006: John Marengo, RDH

Discussion: Licensee violated terms of his agreement for Probation by not submitting proof of completion of required continuing education. Licensee has not contacted the Board since notice of Probation was sent to him.

Motion: To Suspend license to practice dental hygiene.

Board of Registration in Dentistry
General Session Minutes
September 18, 2013
Adopted by Board October 2, 2013

Motion Made By: Ms. Lois Sobel
Second: Dr. Cynthia Stevens
Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To adjourn the meeting at 3:00 p.m.
Motion Made By: Dr. David Samuels
Second: Ms. Ailish Wilkie
Vote: Unanimous

Respectfully submitted,

Dr. Milton Glicksman, Secretary

Date: _____